

ESTTA Tracking number: **ESTTA149251**

Filing date: **07/03/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047530
Party	Plaintiff Habana Holdings, LLC Habana Holdings, LLC ,
Correspondence Address	Jody N. Cappello Updike, Kelly and Spellacy, P.C. 265 Church Street, One Century Tower New Haven, CT 06510 UNITED STATES jcappello@uks.com
Submission	Motion for Default Judgment
Filer's Name	Jody N. Cappello
Filer's e-mail	jcappello@uks.com
Signature	/Jody N. Cappello/
Date	07/03/2007
Attachments	DOCS-#476782-v1-HabanaOutpost_MotionDefaultJudgment.pdf ( 2 pages ) (16577 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of the Registration No. 3055021

For the Mark: HABANA GRILL

Date Registered: January 31, 2006

-----  
Habana Holdings, LLC

Petitioner,

v.

Spanish Restaurants, LLC

Registrant.  
-----

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Cancellation No.:92047530

**MOTION FOR DEFAULT JUDGMENT**

Pursuant to 37 CFR§2.114(a) Habana Holdings, LLC (“Petitioner”) requests that a Default Judgment enter against Spanish Restaurants (“Respondent”) for its failure to file a timely answer to the Petition to Cancel. The grounds for a Default Judgment are as follows:

1. The Petitioner filed its Petition to Cancel on May 15, 2007.
2. Notice of the filing of the Petition to Cancel and respective deadlines were set by the Trademark Trial and Appeals Board by correspondence dated May 17, 2007.
3. Pursuant to the Notice, the Respondent’s Answer to the Petition to Cancel was due on June 26, 2007.
4. To date the Respondent has failed to file an Answer.

WHEREFORE, Petitioner requests that this Motion for Default Judgment be granted and further requests that trademark Registration No. 3055021 be cancelled in whole pursuant to 15 U.S.C. § 1068.

Respectfully submitted,

/S/

Jody N. Cappello, Esq.  
Updike, Kelly & Spellacy, P.C.  
265 Church Street, 10th Floor  
New Haven, Connecticut 06510  
Telephone: (203) 786-8300  
Juris No. 102097  
jcappello@uks.com  
Attorney for Registrant